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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,273	03/10/2004	Sean Afshin Emam	MS306991.01/MSFTP565US	2950

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,273

Applicant(s)

EMAM ET AL.

Examiner

Joseph T. Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-38 rejected under 35 U.S.C. 102(b) as being anticipated by Shaw, Patent #5,278,894.

Regarding claim 1, Shaw teaches a call processing system(Fig.2) comprising: a switch component to receive incoming telephone calls and a client computer system that receives data from the switch component regarding caller identity and generates a customized response in accordance with user defined rules or preferences (*col.1 line 54-col.2 line 14; customized response is generated from the system database when the call is received or can be read on subscriber generates the response for a caller*).

Regarding claim 2, Shaw teaches the system of claim 1, the computer system comprising a call processing component that generates a message to be played to a caller(col.1 line 54-col.2 line 14).

Regarding claim 3, Shaw teaches the system of claim 2, the call processing component comprising a preference store for housing user defined rules(col.1 line 54-col.2 line 14).

Regarding claim 4, Shaw teaches the system of claim 3, further comprising a preference application programming interface component adapted to receive one or more preferences and store them in the preference store(col.1 line 54-col.2 line 14).

Regarding claim 5, Shaw teaches the system of claim 2, further comprising a preference execution component adapted to receive and/or retrieve preferences from the preference store and generate a response to an incoming call(col.1 line 54-col.2 line 14).

Regarding claim 6, Shaw teaches the system of claim 2, further comprising a translation component adapted to translate a message from a first language to a second language(col.1 line 54-col.2 line 14; translates system language to english language).

Regarding claim 7, Shaw teaches the system of claim 2, wherein the call processing component provides for a client subscriber to be notified(col.1 line 54-col.2 line 14).

Regarding claim 8, Shaw teaches the system of claim 7, further comprising a context component that determines client context to facilitate selection of an appropriate notification device and means of notification(col.1 line 54-col.2 line 14).

Regarding claim 9, Shaw teaches the system of claim 8, the notification device including one of a mobile phone, a pager, a personal computer and a personal digital assistant(col.1 line 54-col.2 line 14).

Regarding claim 10, Shaw teaches the system of claim 1, wherein the preferences define responses based on a client's status at a given time as specified in a calendar application(col.1 line 54-col.2 line 14).

Regarding claim 11, Shaw teaches the system of claim 1, wherein the client computer system is a personal computer(col.1 line 54-col.2 line 14).

Regarding claim 12, Shaw teaches the system of claim 1, wherein the client computer system is a television set-top box(col.1 line 54-col.2 line 14).

Regarding claim 13, Shaw teaches the system of claim 1, wherein the client computer system is a gaming console(col.1 line 54-col.2 line 14).

Regarding claim 14, Shaw teaches a dynamic call processing system(Fig.2) comprising: a means for receiving incoming calls;
a means for providing a client device information about a caller; and
a means for dynamically constructing a message for the caller based at least in part on client specified rules(*col.1 line 54-col.2 line 14; customized response is generated from the system database when the call is received or can be read on subscriber generates the response for a caller*).

Regarding claim 15, Shaw teaches the system of claim 14, further comprising a means of playing the constructed message to the caller(col.1 line 54-col.2 line 14).

Regarding claim 16, Shaw teaches the system of claim 14, further comprising a means for notifying a client subscriber of a phone call(col.1 line 54-col.2 line 14).

Regarding claim 17, Shaw teaches a method of call processing comprising: receiving an incoming call, validating the caller against one or more client rules; and constructing a customized message for the caller(*col.1 line 54-col.2 line 14; customized response is generated from the system database when the call is received or can be read on subscriber generates the response for a caller*).

Regarding claim 18, Shaw teaches the method of claim 17, further comprising playing the message to the caller(col.1 line 54-col.2 line 14).

Regarding claim 19, Shaw teaches the method of claim 17, wherein the call is parked after it is received to provide sufficient time for message construction(col.1 line 54-col.2 line 14).

Regarding claim 20, Shaw teaches the method of claim 19, wherein a ring tone is simulated while the call is parked(col.1 line 54-col.2 line 14).

Regarding claim 21, Shaw teaches the method of claim 19, wherein an audio message asks the caller to hold while the call is processed(col.1 line 54-col.2 line 14).

Regarding claim 22, Shaw teaches the method of claim 17, further comprising notifying a called person of a call(col.1 line 54-col.2 line 14).

Regarding claim 23, Shaw teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 17(col.1 line 54-col.2 line 14).

Regarding claim 24, Shaw teaches a method for providing customized call responses comprising: receiving an incoming telephone call from a caller, providing a client device caller identification information, receiving a message from the client device; and playing the message for the caller(*col.1 line 54-col.2 line 14; customized response is generated from the system database when the call is received or can be read on subscriber generates the response for a caller*).

Regarding claim 25, Shaw teaches the method of claim 24, wherein the call is received utilizing a telecommunication switch(col.1 line 54-col.2 line 14).

Regarding claim 26, Shaw teaches the method of claim 24, further comprising parking the call after receiving it to provide sufficient time to receive a message from the client device(col.1 line 54-col.2 line 14).

Regarding claim 27, Shaw teaches the method of claim 26, wherein parking a call includes simulating a ring tone(col.1 line 54-col.2 line 14).

Regarding claim 28, Shaw teaches the method of claim 26, wherein parking a call include asking a caller to hold while the call is processed(col.1 line 54-col.2 line 14).

Regarding claim 29, Shaw teaches the method of claim 24, wherein the client device applies client preferences to generate customized messages for each caller or group of callers(col.1 line 54-col.2 line 14).

Regarding claim 30, Shaw teaches the method of claim 24, further comprising notifying a client subscriber of call(col.1 line 54-col.2 line 14).

Regarding claim 31, Shaw teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 24(col.1 line 54-col.2 line 14).

Regarding claim 32, Shaw teaches the customized call processing methodology comprising: receiving caller identification information; and generating a customized message, wherein the message is a function of particular caller and a specified client rule(col.1 line 54-col.2 line 14; *customized response is generated from the system database when the call is received or can be read on subscriber generates the response for a caller*).

Regarding claim 33, Shaw teaches the method of claim 32, wherein the caller identification information is received from a telecommunication company(col.1 line 54-col.2 line 14).

Regarding claim 34, Shaw teaches the method of claim 32, wherein the caller identification information is received via an instant messaging channel, thereby avoiding interference from firewalls(col.1 line 54-col.2 line 14).

Regarding claim 35, Shaw teaches the method of claim 32, wherein the customized message is a function of the called party's status(col.1 line 54-col.2 line 14).

Regarding claim 36, Shaw teaches the method of claim 35, the called party's status is determined utilizing data associated with one or more software applications stored on the party's computing device(col.1 line 54-col.2 line 14).

Regarding claim 37, Shaw teaches the method of claim 36, wherein the application is a calendar or scheduling application(col.1 line 54-col.2 line 14).

Regarding claim 38, Shaw teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 32(col.1 line 54-col.2 line 14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
July 22, 2005



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